

**REMARKS**

Claims 1-12 were pending. Applicants have hereinabove canceled claims 4 and 10, without prejudice of disclaimer, and amended claims 1-3 and 7-9 to place the claims in better form for examination and clarify the claimed invention. Accordingly, claims 1-3, 5-9, 11 and 12 are pending and presented for examination in the subject application, with claims 1 and 7 in independent form.

Support for the claim amendments may be found in the application at, inter alia, page 8, line 9 through page 9, line 2; page 10, lines 3-19. Additional support for the claim amendments may be found in, inter alia, Figures 1 and 5 of the application.

Applicants maintain that no new matter is presented by this amendment. Accordingly, Applicants respectfully request that this Amendment be entered.

**Rejection Under 35 U.S.C. §103(a)**

In Section 2 of the April 2, 2004 Office Action, claims 1, 4, 7 and 10 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,950,140 to Smith (hereinafter "Smith '140) in view of U.S. Patent No. 6,606,748 (hereinafter "Tomioka '748").

The Examiner stated that with regard to collecting the measured data items, Smith '140 teaches using remote sensors to collect position information. The Examiner also stated that with regard to generating measurement data for users according to contract conditions for each user, and hierarchically grouping the data according contract conditions for each user, Smith '140 teaches gathering measurements and generating a report according to an

user defined set of data.

The Examiner further stated that Tomioka '748 teaches an information providing method that provides information to a plurality of users based on the specific request of the users.

The Examiner alleged that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the land monitoring method, as taught by Smith '140, to include providing information to a plurality of users, because customized information would have been available to plurality of users.

Applicant maintains that the cited references do not render obvious the invention claimed in claim 1. The claimed invention is patentable over Smith '140 and Tomioka '748 for at least the following reasons.

The present application relates to generation of ground measurement data for each of a plurality of contract users, with high quality and high reliability, based on various ground data items measured at one or more observation points. Conventionally, ground data items measured by measuring instruments are sent to a collection center via a communication line, but not all of the measured data items sent to the collection center from the base station are made available to the public. For example, the public receives disaster information which is based on only selected ones of the measured data items. However, some technical users of ground data may desire and/or require additional ones of the measured data items which are not described by the published information, or may desire access to the measured data items even when there is no disaster detected

yet. In addition, some users may desire measured data items at one rate while other users require measured data items at a different rate. Therefore, contracts may be formed with respective users to provide the users with measured data according to conditions specified in the contract (i.e. contract terms or contract conditions) which are suitable to the technical users.

According to the present application, contract conditions or terms are stored, measurement data is generated for each contract user by hierarchically grouping in editing the measured data items according to the stored contract conditions for each contract user, the generated measurement data hierarchically grouped for each contract user is stored, and in response to a data request from a contract user, data containing measurement data corresponding to the contract conditions of the contract user is transmitted to the contract user.

Independent claim 1 is directed to a measurement data generating method applied to a system for observing a ground based on various data items measured at one or more observation points by at least one measuring instrument. The method includes storing contract conditions for each of a plurality of contract users, collecting the measured data items in a collection center, generating measurement data for each of a plurality of contract users, which is obtained by hierarchically grouping in editing the measured data items according to the stored contract conditions for each of the plurality of contract users, storing the generated measurement data hierarchically grouped for each of the plurality of contract users in a database, and transmitting, in response to a data request from a contract user, data containing measurement data corresponding to the contract

conditions of the data requesting contract user from the database to the data requesting contract user.

Independent claim 7 is directed to a measurement data generating apparatus applied to a system for observing a ground based on various data items measured at one or more observation points by at least one measuring instrument. The apparatus includes means for storing contract conditions for each of a plurality of contract users, collecting means for collecting the measured data items in a collection center, generating means for generating measurement data for each of a plurality of contract users, which is obtained by hierarchically grouping in editing the measured data items according to the stored contract conditions for each of the plurality of contract users, means for storing the generated measurement data hierarchically grouped for each of the plurality of contract users in a database, and transmitting means, responsive to a data request from a contract user, for transmitting data containing measurement data corresponding to the contract conditions of the data requesting contract user from the database to the data requesting contract user.

Smith '140, as understood by Applicants, is directed to use of real time positioning systems for precise monitoring of land masses. According to Smith '140, a slope of a land mass is monitored. Remote sensors configured to provide real time position information are placed in selected positions on the slope. Smith '140 discloses that "CPU 270 collects a set of data that is defined by a user". The Office Action implicitly acknowledges, however, that Smith '140 fails to disclose or suggest all of the features of the claimed invention.

The Office Action apparently contends that Tomioka '748 cures the

deficiencies of Smith '140.

Tomioka '748, as understood by Applicants, is directed to information providing techniques for providing television broadcast program schedules. Tomioka '748 discloses an information providing apparatus 1 that supplies television program schedule data to each information receiving apparatus 2 in response to requests.

Applicants do not find teaching or suggestion in the cited art, however, of at least the following technical features of the claimed invention: (i) generating measurement data for each of a plurality of contracts users, which is obtained by hierarchically grouping in editing the measured data items according to the stored contract conditions for each of the plurality of contract users; (ii) storing the generated measurement data hierarchically grouped for each of the plurality of contract users in a data base; and (iii) transmitting in response to a data request from a contract user, data containing measurement data corresponding to the contract conditions of the data requesting contract user from the database to the data requesting contract user.

Therefore, even a combination of Smith '140 and Tomioka '748 in the manner suggested by the Examiner fails to teach or suggest all of the features of the claimed invention.

In addition, it should be noted that Tomioka '748 does not purport to be directed to ground measurement data. Therefore, one skilled in the art confronted with the problems addressed by this application would not have looked to the teachings of Tomioka '748. It simply would not have been obvious to combine the teachings of Smith '140 and Tomioka '748 in the manner

suggested by the Examiner, unless hindsight reconstruction of the claimed invention is impermissibly applied by using the claims as a roadmap.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 4, 7 and 10 under 35 U.S.C. § 103.

**Rejection Under 35 U.S.C. §103(a)**

In Section 3 of the April 2, 2004 Office Action, claims 2, 3, 5, 6, 8, 9, 11 and 12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Smith '140 in view of Tomioka '748, as applied to claims 1 and 7 above, and further in view of Japanese Patent Application No. JP 410112264A to Oishi (hereinafter "Oishi '264").

The Examiner stated that Smith '140 and Tomioka '748 teach all of the limitations of claim 1 upon which claims 2, 3, 5 and 6 depend and claim 7 upon which claims 8, 9, 11 and 12 depend. The Examiner also stated that Smith '140 teaches using a user defined set of data.

The Examiner acknowledged that Smith '140 and Tomioka '748 do not teach generating data on the condition that each measuring instrument does not malfunction, as shown in claims 2 and 8, or determining whether at least one of the measured data items is abnormal and giving a re-measurement instruction in the case where at least one measured data item is abnormal, as shown in claims 3, 5, 6, 9, 11 and 12.

The Examiner stated that Oishi '264 teaches determining whether a measurement value is abnormal or erroneous and making a

remeasurement when data is abnormal. The Examiner also stated that Oishi '264 teaches displaying data when it is judged to be correct.

The Examiner alleged that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the creep monitoring apparatus, as taught by Smith '140, to include checking to make sure measurements are normal and remeasuring when an abnormal measurement is detected, as taught by Oishi '264, because more accurate measurements would have been made and accurate measurements would not have been included in the data collection.

Applicants maintain that the claimed invention is patentable over the cited art for at least the following reasons.

As mentioned above, Smith '140 and Tomioka '748 fail to disclose or suggest at least the following technical features of the claimed invention: (i) generating measurement data for each of a plurality of contracts users, which is obtained by hierarchically grouping in editing the measured data items according to the stored contract conditions for each of the plurality of contract users; (ii) storing the generated measurement data hierarchically grouped for each of the plurality of contract users in a data base; and (iii) transmitting in response to a data request from a contract user, data containing measurement data corresponding to the contract conditions of the data requesting contract user from the database to the data requesting contract user.

Oishi '264 does not cure the deficiencies of Smith '140. Oishi '264, as understood by Applicants, is directed to a convergence inspecting device which automatically finds an abnormality in

received values and does not display the erroneously calculated results of the color drift quantity for protection.

Oishi '264 is not directed to an environment in which there are a plurality of contract users, the contract users do not control the collection of data, and instead each user contracts for measurement data to be generated which are edited from the collected data items according to contract conditions specific to the contract user.

Moreover, Oishi '264, like Smith '140 and Tomioka '748, does not disclose or suggest, however, at least the following technical features of the claimed invention: (i) generating measurement data for each of a plurality of contracts users, which is obtained by hierarchically grouping in editing the measured data items according to the stored contract conditions for each of the plurality of contract users; (ii) storing the generated measurement data hierarchically grouped for each of the plurality of contract users in a data base; and (iii) transmitting in response to a data request from a contract user, data containing measurement data corresponding to the contract conditions of the data requesting contract user from the database to the data requesting contract user.

Therefore, even a combination of the teachings of Smith '140, Tomioka '748 and Oishi '264 in the manner suggested by the Examiner fails to teach or render obvious all features of the claimed invention.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103.



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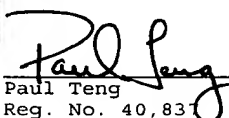
In view of the amendments to the claims and remarks hereinabove, Applicants maintain that claims 1-3, 5-9, 11 and 12 are now in condition for allowance. Accordingly, Applicants earnestly solicit the allowance of this application.

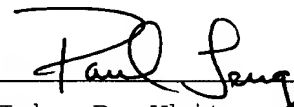
If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorneys invite the Examiner to telephone them at the telephone number provided below.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

No fee, other than the \$770.00 RCE filing fee and \$950.00 three-month extension fee, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 Paul Teng Reg. No. 40,837	July 2, 2004 Date

  
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